



On appeal, the appellant presents that he is a Navy veteran and served in the Persian Gulf War. He indicates that he has been in the Parks and Recreation Department since 1997, with increasing responsibility, and he worked for a County Hospital from 1995 to 1997. He describes his experience as an assistant supervisor in detail.

## CONCLUSION

*N.J.A.C.* 4A:4-4.8(a)3ii provides that upon a receipt of a certification an appointing authority shall appoint one of the top three interested eligibles (rule of three) from a promotional list, provided that if the eligible who ranks first on a promotional list is a veteran, then a non-veteran may not be appointed

*N.J.A.C.* 4A:5-2.2(b) provides that a list of eligibles who have passed a promotional examination shall appear in the order of their scores regardless of veteran or nonveteran status. However, when scores are tied, the names of veterans shall be listed first within each rank.

*N.J.A.C.* 4A:5-2.2(d) provides that when a single vacancy is to be filled from a promotional certification headed by a nonveteran, any reachable eligible may be appointed in accordance with the “rule of three.” *See N.J.S.A.* 11A:4-8.

Under *N.J.A.C.* 4A:4-2.1(g), the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant’s original application. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004).

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, the first ranked candidate indicated on his application that he was a Maintenance Worker 3, Grounds from May 2017 to the June 21, 2021 closing date (full credit) and a Maintenance Worker 1, Grounds from December 2011 to May 2017 (half credit). His other experience was more than 10 years old. The second ranked candidate indicated on his application that he was a Maintenance Worker 3, Grounds from May 2017 to the June 21, 2021 closing date (full credit) a Maintenance Worker 1, Grounds from June 2013 to May 2017 (half credit), a Building Maintenance Worker from June 2012 to June 2013 (no credit), a Maintenance Worker 1, Grounds

from December 2011 to June 2012 (half credit), and a Recreation Maintenance Worker from October 2007 to December 2011 (five months half credit). His other experience was more than 10 years old. As indicated above, the appellant only indicated his Maintenance Worker 3, Grounds experience.

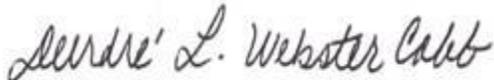
On appeal, the appellant indicates experience that was not indicated on his application. However, the Commission cannot consider this additional experience for scoring purposes as this is considered an amendment. Since the application for the announcement is considered the “test paper,” it is no more subject to later amendment than any other type of examination. Accordingly, additional experience not included on original test papers cannot be considered in the appeal process. *See In the Matter of Alex Westner* (Commissioner of Personnel, decided August 11, 1997). Therefore, a review of the candidates’ applications, *i.e.* the test papers, indicates that all the candidates had the same full-credit Maintenance Worker 3, Grounds experience, but the first and second ranked candidates had additional half-credit experience based on their applications, which was also confirmed by personnel records. Therefore, the record indicates that the candidates’ scores and ranks were correct. It is noted, as there are only three eligibles on the list and the first ranked candidate is a non-veteran, under the Rule of Three, the appointing authority can appoint any of the three eligibles.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 17<sup>TH</sup> DAY OF NOVEMBER 2021



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